

Margi file

7:15 pm

Chairman's Report: Thursday, April 25, 1996

1. Call to Order/Roll Call.

Call on MARGIT.

2. Public Comments.

PAT: This is the time for public comments on matters NOT on the Commission's agenda.

Minutes of March 28, 1996 Meeting; April 4, 1996 Public Hearing and April 8, 1996 Public Hearing. Ferrell/Calone

PAT: Are there any changes, addition, or corrections to the draft minutes of the last Commission meeting and the two public hearings? Needs MOTION; SECOND; VOICE VOTE.

4. Chairman's Report.

Next Meeting: The next meeting of the Delta Protection Commission is scheduled for Thursday, May 23, 1996 here in the Jean Harvie Community Center at 6:30 p.m.

There is a Budget and Finance Subcommittee Meeting scheduled for Wednesday May 1 at 4 p.m. at the McCarty Company in Stockton.

Report on the Closed Session: Prior - Com took no action in closed session.

Change to the Commission: I have received a letter from John Banuelos, the Director of the Department of Boating and Waterways stating that Bill Curry will no longer be the Department's representative. No new representative has been appointed. I will direct staff to prepare a resolution of appreciation for Bill for consideration at our next meeting. I know we will all miss Bill's thoughtfulness and sense of humor.

Ryan Broddrick has been reassigned to DFG HQ to direct reorganization; Banky Curtis will be Region II manager. However, I understand Ryan will continue to represent the Department on the Commission.

Delta Events: The Western Railway Museum west of Rio Vista is once again running the Wildflower Express to the Jepson Prairie Preserve on weekends through May 12. Call staff for more information.

Report on BDOC Meeting: ?

✓ 3/28 J. Harvie/W. Harvie
✓ 4/4 Pat/TOV
✓ 4/8 J. Harvie/W. Harvie

(*)

✓ 5. Attorney General's Report.

Call on RICK.

✓ 6. Executive Director's Report.

Legislative Update: SB 1673, the bill to extend the Commission was approved by Senate Committee on Natural Resources and Wildlife and is scheduled before Senate Appropriations Committee on May 6.

Re San Luis Drain: The SWRCB held a workshop and voted on April 18 to direct staff to negotiate reimbursement for staff time, to prepare a work plan, and to report back to the Board in early June.

10% Penalty Fund: As of the end of March, the fund contained \$1,548.89.

Handout: Map of Seasonally Flooded Areas: Total of over 30,000 acres, info gathered and mapped by DU.

CALFED Scoping Meetings: I attended 3 of the 8 public scoping meetings, where staff outlined the 10 alternatives, including: Walnut Grove, Sacramento, and Long Beach. There were a range of comments including: economic impacts of retiring ag lands; area of origin issues; flood control; levee stability; costs; water quality for drinking water; pollution above and below the Delta; water pricing; habitat restoration, and support of demand management. In Long Beach, the comments included: skepticism of a water transport system at or below sea level; feasibility of building new levees on peat soils; seismic issues; costs of long-term levee maintenance; institutional guarantees; demand management; costs; need for other areas to conserve water; water supply reliability; and need for cost benefit analysis. I have asked CALFED staff to brief the Commission at the next meeting.

✓ 7. Pending Projects Memo. (For Commission Information Only)

PAT: Are there any questions or comments about the pending projects memo?

✓ 8. Commission Consideration and Possible Request to Attorney General to File "Friend of the Court" Brief with California Supreme Court in Akins vs. People of the State of California (No. 3 Civ. C015891).

PAT: Call on RICK.

APR 96 MIN

9. Continued Public Hearing and Possible Action on the Submittal of the City of Rio Vista.

PAT: The Commission opened the public hearing at the last meeting; there were no public comments. No written comments have been received. Are there any members of the public who wish to comment on the City of Rio Vista's submittal?

▷ *no public comments.*

I will now close the public hearing and bring the matter to the Commission for possible action. Call on MARGIT.

MARGIT: Thank you Mr. Chairman. I want to quickly review the City's proposal. The City's boundaries include some lands in the Delta Primary Zone. Some of these lands were in the City when the Act was adopted; an additional 500 acres was in the process of being annexed and has been annexed. This is the site for a new sewage treatment plant for which the City had already prepared a Final EIR.

The Plan directs Cities with lands in the Primary Zone to keep in place zoning and land use designations that were in place as of January 1, 1992. For changes to the General Plan, the City proposes to ensure that those changes would be consistent with the Delta Commission's adopted Plan. This would be consistent with Solano County's proposed amendments. Staff is prepared to recommend approval of the City's submittal.

PAT: Are there any questions of staff? Are there any comments by Commissioners?

Needs MOTION and SECOND: ROLL CALL VOTE (Needs 10 votes for approval).

10. Public Hearing on the Submittal of Sacramento County.

PAT: This is a continued public hearing on the submittal of Sacramento County.
Call on MARGIT.

MARGIT: Thank you Mr. Chairman. Sacramento County submitted material last summer and additional material in the fall. You now have before you a complete submittal which appears to be in conformance with the Commission's Plan. The County staff has added a component to the submittal which will reference the Commission's Plan in the County's General Plan, adding it to a list of "other plans" which must be considered in analysis of a new project or a General Plan amendment. I would like to introduce Mike Winter of the County Planning Department staff, and to thank the members of the staff for their cooperation.

▷ There have been no letters received on this submittal.

Step/TMT

*Mike Winter
Update's or by sub.
Committee to Policy
Planning Commission
5/22 (enlist)
TO BOS - 7/24.*

PAT: Are there any questions of staff?

Are there any questions of Mike Winter?

I would now like to open the public hearing. Are there any public comments?

We will leave the public hearing open to the next meeting.

Are there any Commissioner comments?

We will hold the public comment period open to the next meeting.

11. Commission Workshop on Proposed Regulation and Proposed Amendment to the "Land Use and Resource Management Plan for the Primary Zone of the Delta" (Plan) Addressing Siting of Sewage Treatment Plants and Areas for Disposal of Sewage Effluent and Sewage Sludge.

PAT: The Commission held three public hearings on the proposed regulation and amendment, which is the same as the original Utilities and Infrastructure Policy P-3. The workshop tonight is to allow the Commission an opportunity to review and discuss the comments received in the public hearings and give staff directions. This is not a public hearing and no Commission action is scheduled. [Call on MARGIT]

MARGIT: Thank you Mr. Chairman. I wanted to update the Commission on a couple of related items: first, on April 18, the State Water Resources Control Board acted on an appeal of the General Order for sludge. The appeal was filed by Central Delta Water Agency, South Delta Water Agency, and State Farm Bureau. The State Board focused on CEQA issues and determined that a full Environmental Impact Report should have been prepared before the general orders were issued. The general orders are no longer in effect which means that each application to apply sludge must be reviewed and approved individually by the Regional Board.

The State Board allowed any NOIs received by the Regional Board as of April 1, 1996 to be "grandfathered" under the General Orders. My understanding is that there may be a very limited number of applications which may meet the grandfather cut-off date which have not yet been processed.

I went to the Regional Board's office earlier this week to review the NOIs that have been issued in the Primary Zone of the Delta. Four have been issued for lands in the Primary Zone, 2 to Bio Gro and 2 to Pima Gro. My review of the files show that sludge has been placed under only one of the permits, that was 620 tons (dry weight).

Second, the consideration of SB 1723, a bill which would have added restrictions to the placement of sludge in certain sensitive areas has been postponed. I understand hearings may be held this fall on this subject.

Regarding the materials in your packet, you have two items: first a thick packet which includes all the letters received on this item. You will see that I did not reproduce all of the technical materials submitted into the record; those items are listed on pages 6, 7 and 8; I have those materials here and they are available for review in the Commission's offices. Second, a brief staff report which summarizes the three public hearings and attempts to group and summarize the types of comments received. This is not the analysis which is required before you vote.

PAT: Mr. Frank, do you have any comments for the Commission?

PAT: This workshop is an opportunity for the Commission to discuss the comment letters received, to ask questions of staff, or through the chair, to others who may have information that is important, and to give staff direction for further action. This is not a public hearing.

[Note: Margit has a brief statement from Steve Mello to read into the record at the appropriate time.]

12. Commissioner Comments.

This is the time for Commissioner comments or announcements.

13. Adjourn.